

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

IN RE: Sam R Boone

Case No.: 17-34996

Judge: CMG

Debtor

MODIFIED CHAPTER 13 PLAN AND MOTIONS

☐ Original

☒ Modified/Notice Required

Date: June 14, 2018

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney RNB

Initial Debtor: SRB

Initial Co-Debtor

Part 1: Payment and Length of Plan

a. The debtor shall pay 450.00 Monthly to the Chapter 13 Trustee, starting on January, 2018 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future Earnings
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property
Description:
Proposed date for completion: _____

☐ Refinance of real property:
Description:
Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

☒ NONE

a. Adequate protection payments will be made in the amount of \$_____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$_____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Law Office of Robert Braverman	Wages, salaries, and commissions	3,000.00
State of New Jersey	Taxes	3,303.00

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☐ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan ☒ NONE

The following secured claims are unaffected by the Plan:

Creditor

g. Secured Claims to be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
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Part 5: Unsecured Claims ☒ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$____ to be distributed *pro rata*
- ☐ Not less than ____ percent
- ☒ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☐ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
Toyota Lease Trust	\$483.00	Lease of 2015 ES350	Reject	\$483.00

Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service*, *Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☒ is, ☐ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C.

Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.
Date of Plan being modified: June 14, 2018

Explain below why the plan is being modified:

to remove District Director of IRS and Internal Revenue Service from Part 3; to include State of NJ claim in Part 3; changing Part 6 to reflect Toyota arrearage and rejection of leased vehicle and remove Lexus Financial

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to remove District Director of IRS and Internal Revenue Service from Part 3; to include State of NJ claim in Part 3; changing Part 6 to reflect Toyota arrearage and rejection of leased vehicle and remove Lexus Financial

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date June 14, 2018

/s/ Robert N. Braverman, Esquire

Robert N. Braverman, Esquire

Attorney for the Debtor

Date: June 14, 2018

/s/ Sam R Boone

Sam R Boone

Debtor

Date: _____

Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s) if any, must sign this Plan.

Date June 14, 2018

/s/ Robert N. Braverman, Esquire

Robert N. Braverman, Esquire

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: June 14, 2018

/s/ Sam R Boone

Sam R Boone

Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 7 of 8
 United States Bankruptcy Court
 District of New Jersey

In re:
 Sam R. Boone
 Debtor

Case No. 17-34996-CMG
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 45

Date Rcvd: Jun 18, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jun 20, 2018.

db
 517225232 # +Sam R. Boone, 25 Taisley Lane, Burlington, NJ 08016-5159
 517284028 +American Express, PO Box 981537, El Paso, TX 79998-1537
 American Express Centurion Bank, c/o Becket and Lee LLP, PO Box 3001,
 Malvern PA 19355-0701
 517225235 +Andrews FCU, 5711 Allentown Rd, Suitland, MD 20746-4547
 517225237 ++BANK OF AMERICA, PO BOX 982238, EL PASO TX 79998-2238
 (address filed with court: Bank of America, PO Box 982238, El Paso, TX 79998)
 517225238 # +Borrowers First Inc, 1114 Lost Creek Blvd, Austin, TX 78746-6374
 517225243 +CRDT First, PO Box 81315, Cleveland, OH 44181-0315
 517225240 +Chase Card, PO Box 15298, Wilmington, DE 19850-5298
 517225242 +Citicards CBNA, PO Box 6241, Sioux Falls, SD 57117-6241
 517225241 Citicards CBNA, Citibusiness Customer Service, PO Box 6235, Sioux Falls, SD 57117-6235
 517305093 Credit First NA, PO Box 818011, Cleveland, OH 44181-8011
 517257112 First Associates Loan Servicing, LLC, as agent for BFCL Trust, PO Box 503430,
 San Diego, CA 92150-3430
 517225248 Lexus Financial Services, PO Box 4102, Carol Stream, IL 60197-4102
 517225249 +PNC, PO Box 3180, Pittsburgh, PA 15230-3180
 517342240 +PNC Bank, National Association, PO Box 94982, Cleveland, OH 44101-4982
 517239104 +Toyota Lease Trust, c/o Toyota Motor Credit Corporation, PO Box 9013,
 Addison, Texas 75001-9013
 517358707 US DEPARTMENT OF EDUCATION, CLAIMS FILING UNIT, PO BOX 8973, MADISON, WI 53708-8973
 517225257 +US Dept of Education, 2401 International Lane, Madison, WI 53704-3121
 517225256 +Upstart Network Inc, PO Box 61203, Palo Alto, CA 94306-6203
 517225258 +Wells Fargo Bank NA, PO Box 94435, Albuquerque, NM 87199-4435
 517292515 Wells Fargo Bank, N.A., Wells Fargo Card Services, PO Box 10438, MAC F8235-02F,
 Des Moines, IA 50306-0438
 517243558 +Wells Fargo Bank, N.A., 435 Ford Road, Suite 300, St. Louis Park, MN 55426-4938
 517225259 +Wells Fargo Card Services, PO Box 10347, Des Moines, IA 50306-0347
 517342219 +Wilmington Savings Fund Society, Upstart Loan Operations, 2 Circle Star Way 2nd Fl,
 San Carlos, CA 94070-6200

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Jun 18 2018 23:55:35 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Jun 18 2018 23:55:32 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 517225233 +E-mail/Text: broman@amhfcu.org Jun 18 2018 23:55:42 American Heritage, 2060 Red Lion Road,
 Philadelphia, PA 19115-1699
 517225234 +E-mail/Text: broman@amhfcu.org Jun 18 2018 23:55:42 American Heritage FCU,
 C/O Brian Romaniello, 2060 Red Lion Road, Philadelphia, PA 19115-1699
 517225236 +E-mail/Text: bk@avant.com Jun 18 2018 23:56:13 Avant, 222 N Lasalle St,
 Chicago, IL 60601-1101
 517225239 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Jun 18 2018 23:53:39 Capital One Bank USA,
 PO Box 30281, Salt Lake City, UT 84130-0281
 517225244 E-mail/Text: mrdiscen@discover.com Jun 18 2018 23:54:23 Discover, PO Box 15316,
 Wilmington, DE 19856
 517237264 E-mail/Text: mrdiscen@discover.com Jun 18 2018 23:54:23 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 517225246 E-mail/Text: bankruptcy.bnc@ditech.com Jun 18 2018 23:54:56 Ditech, PO Box 94710,
 Palatine, IL 60094-4710
 517225245 E-mail/Text: cio.bncmail@irs.gov Jun 18 2018 23:54:43 District Director of the IRS,
 955 So Springfield Ave, Springfield, NJ 07081
 517304510 E-mail/Text: JCAP_BNC_Notices@jcap.com Jun 18 2018 23:55:52 Jefferson Capital Systems LLC,
 Po Box 7999, Saint Cloud Mn 56302-9617
 517335379 E-mail/PDF: resurgentbknofications@resurgent.com Jun 18 2018 23:53:49
 LVNV Funding, LLC its successors and assigns as, assignee of Citibank, N.A.,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 517330432 +E-mail/Text: bankruptcydpt@mcmcg.com Jun 18 2018 23:55:31 Midland Funding LLC,
 PO Box 2011, Warren, MI 48090-2011
 517331640 E-mail/Text: bnc-quantum@quantum3group.com Jun 18 2018 23:55:24
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
 517225250 E-mail/PDF: gecsedirecoverycorp.com Jun 18 2018 23:53:35 SYNCB/Amazon PLCC,
 PO Box 960013, Orlando, FL 32896-0013
 517225251 E-mail/PDF: gecsedirecoverycorp.com Jun 18 2018 23:52:54 SYNCB/Lowes, PO Box 956005,
 Orlando, FL 32896-5004
 517225252 E-mail/PDF: gecsedirecoverycorp.com Jun 18 2018 23:53:30 SYNCB/Sam's Club DC,
 PO Box 965005, Orlando, FL 32896-5004
 517225253 E-mail/PDF: gecsedirecoverycorp.com Jun 18 2018 23:52:54 SYNCB/Walmart, PO Box 530927,
 Atlanta, GA 30353-0927
 517225254 E-mail/PDF: gecsedirecoverycorp.com Jun 18 2018 23:52:14 SYNCB/Walmart DC, PO Box 965024,
 Orlando, FL 32896-5024
 517228386 +E-mail/PDF: gecsedirecoverycorp.com Jun 18 2018 23:53:30 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 45

Date Rcvd: Jun 18, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

517225255 +E-mail/Text: usanj.njbankr@usdoj.gov Jun 18 2018 23:55:35 United States Attorney,
For The IRS, 970 Broad St, 5th Floor, Newark, NJ 07102-2527

TOTAL: 21

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

517225247* +Internal Revenue Service, PO Box 7346, Philadelphia, PA 19101-7346

TOTALS: 0, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jun 20, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on June 14, 2018 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Robert Braverman on behalf of Debtor Sam R. Boone robert@bravermanlaw.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 3